

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.,)

Plaintiffs,)

v.)

Case No. 4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al.,)

Defendants.)

STATE OF OKLAHOMA'S OBJECTIONS AND RESPONSES TO SEPARATE
DEFENDANT PETERSON FARMS, INC.'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO OKLAHOMA DEPARTMENT OF
ENVIRONMENTAL QUALITY

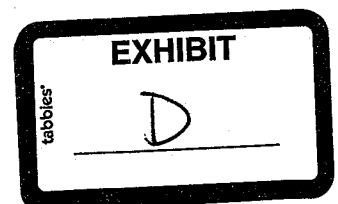
GENERAL OBJECTIONS

A. Definitions, Terms and Instructions: The State objects to certain of the words and phrases used by Peterson Farms, Inc. (Peterson) in its document requests as overbroad and unduly burdensome. Such objections include, but are not limited to, Peterson's definition of "Document," "Project," "Record," "Entity or Individual," "Representative(s)," "You're, your, or yourself." The State objects to the instruction 1-3, which are overly broad, expensive, and overly burdensome. The State will produce documents as required by Rule 34. The State objects to the instruction to describe in detail the facts upon which any claim of privilege is based.

B. Privileges: The State objects to Peterson's document requests to the extent that they seek to invade information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State specifically objects to the production of documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for the State with the prosecution of this litigation as subject to these privileges. Per agreement of the parties, the State will provide a privilege log at the time of the on-site document production.

C. The State objects to Peterson's document request in as much as they are not relevant to the agency being asked to produce the documents. The State will provide all responsive documents that are contained at this agency, however, many of the requests ask for documents that are not normally kept at that agency or falls outside the statutory jurisdiction of that agency. The State will identify which requests are not relevant to a particular agency during the States production of documents.

D. Form or Method of producing documents: The State further objects to these document request to the extent that they purport to require the State to produce documents in any particular



- DEQ 605-008- Industrial User in Non-Pretreatment Municipality to Discharge Industrial Waste to the Publicly Owned Treatment Works (POTW);
- g. Form 615-GC3- Applications for Authorization Under General Permit OKGC3T Total Retention Surface Impoundment Systems Containing Class III Industrial Wastewater;
- h. Form 616-2QSI-Applications for Authorization Under General Permit OK950000 Rock, Sand and Gravel Quarries;
- i. Form 616-G11MT- Applications for Authorization Under General Permit OKG11MT Mobile Concrete Batch Plants;
- j. Form G27- Applications for Authorization Under NPDES General Permits OKG27 Wastewater Discharge for Hydrostatic Test Projects under DEQ Jurisdiction; and
- k. Correspondence, communications, file notes, memoranda, studies and reports.

RESPONSE NO. 12: The State incorporates its general objections set forth herein, and the State further objects to production of documents protected by the attorney-client privilege, work product doctrine, or self-evaluative privilege.

The State objects to producing electronic documents and data until such time as the parties agree to the scope and format for such production, or the Court enters an order regarding production of such documents or data.

The State specifically objects to the production of the requested documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for the State with the prosecution of this litigation as subject to these privileges.

The State further objects to the request to produce "all" documents, and to produce documents regarding investigations, etc., which are not completed. Subject to and without waiving the foregoing objections, the State will produce all non-privileged responsive documents it has been able to locate at the ODEQ.

REQUEST NO. 13: Produce all documents and data related to municipal wastewater permits in the Illinois River Watershed from 1980 to the present, including but not limited to the following:

- a. General Wastewater Discharge Permit- Municipal/Domestic Lagoons; and
- b. General Wastewater Discharge Permit Fact Sheet- Municipal/Domestic Lagoons; and
- c. Correspondence, communications, file notes, memoranda, studies, and reports.

RESPONSE NO. 13: The State incorporates its general objections set forth herein, and the State further objects to production of documents protected by the attorney-client privilege, work product doctrine, or self-evaluative privilege.

The State objects to producing electronic documents and data until such time as the parties agree to the scope and format for such production, or the Court enters an order regarding production of such documents or data.

The State specifically objects to the production of the requested documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for the State with the prosecution of this litigation as subject to these privileges.

The State further objects to the request to produce "all" documents, and to produce documents regarding investigations, etc., which are not completed. Subject to and without waiving the foregoing objections, the State will produce all non-privileged responsive documents it has been able to locate at the ODEQ.

REQUEST NO. 14: Produce all documents and data related to municipal wastewater discharge permits in the Illinois River Watershed from 1980 to the present, including but not limited to the following:

- a. Form 2M1- Major Discharge Permit Applications;
- b. Form 2M2- Minor Discharge Permit Applications;
- c. Form 2MG58- Applications for Authorization to be covered under General Permit OKG58- for Municipal/Domestic Discharge Lagoons;
- d. Any violations or notices of violations of the above permits;
- e. DMRs; and
- f. Correspondence, communications, file notes, memoranda, studies, and reports.

The State specifically objects to the production of the requested documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for the State with the prosecution of this litigation as subject to these privileges.

The State further objects to the request to produce "all" documents, and to produce documents regarding investigations, etc., which are not completed. Subject to and without waiving the foregoing objections, the State will produce all non-privileged responsive documents it has been able to locate at the ODEQ.

REQUEST NO. 39: Produce all documents, data and/or deliverables related to the July 23, 2002 draft Scope of Work entitled "*Estimating Threshold Soil Phosphorus Levels for the Illinois River Basin Using SWAT*" submitted to the Oklahoma Attorney General's Office by Dr. Daniel E. Storm and Mr. Michael J. White of the Biosystems and Agricultural Engineering Department at Oklahoma State University.

RESPONSE NO. 39: The State incorporates its general objections set forth herein, and the State further objects to production of documents protected by the attorney-client privilege, work product doctrine, or self-evaluative privilege.

The State objects to producing electronic documents and data until such time as the parties agree to the scope and format for such production, or the Court enters an order regarding production of such documents or data.

The State specifically objects to the production of the requested documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for the State with the prosecution of this litigation as subject to these privileges.

waiving the foregoing objections, the State will produce all non-privileged responsive documents it has been able to locate at the ODEQ.

REQUEST NO. 44: Produce all documents and data related to any census of animals within the Illinois River Watershed, including livestock, poultry and wildlife from 1980 to the present.

RESPONSE NO. 44: The State incorporates its general objections set forth herein, and the State further objects to production of documents protected by the attorney-client privilege, work product doctrine, or self-evaluative privilege.

The State objects to producing electronic documents and data until such time as the parties agree to the scope and format for such production, or the Court enters an order regarding production of such documents or data.

The State specifically objects to the production of the requested documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for the State with the prosecution of this litigation as subject to these privileges.

The State further objects to the request to produce "all" documents, and to produce documents regarding investigations, etc., which are not completed. Subject to and without waiving the foregoing objections, the State will produce all non-privileged responsive documents it has been able to locate at the ODEQ.

REQUEST NO. 45: Produce all documents and data related to the number, locations, use, condition and potential environmental impact from septic and other non-municipal wastewater/sewage treatment systems within the Illinois River Watershed.

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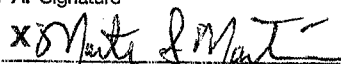
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Riggs, Abney, Neal
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Tulsa, OK 74119

PS Form 3800, June 2002 See Reverse for Instructions

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